

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ORLANDO VALERIO,

Plaintiff,

v.

K.A.M. FOOD STORE, INC.,

d/b/a Met Foods,

MAHMOUD HASSAN DOLAH, an individual,

KHALID DOLAH, an individual,

AMIN DOLAH, an individual,

Defendants.

Case No. 1:19-cv-00593-MKB-LB

REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT

TO: Douglas C. Palmer, Clerk
United States District Court
Eastern District of New York

Please enter default of Defendants **K.A.M. Food Store, Inc.**, d/b/a Met Foods, **Mahmoud Hassan Dolah**, an individual, **Khalid Dolah**, an individual, and **Amin Dolah**, an individual, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned actions as fully appears from the court file herein. Following Entry of Default, Plaintiff will move separately for a Default Judgment in an amount to be determined by the presiding Judge in this case. Attached hereto is an Affirmation of Penn Dodson, Esq. in support and a proposed certificate of default.

Respectfully submitted, this **9th** day of **May, 2019**.

ANDERSONDODSON, P.C.

A handwritten signature in black ink, appearing to read "Penn Dodson", written over a horizontal line.

Penn A. Dodson (PD 2244)

penn@andersondodson.com

Attorney for Plaintiffs

11 Broadway, Suite 615
New York, NY 10004
212.961.7639 tel
646.998.8051 fax

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CERTIFICATE OF SERVICE

This is to certify that on this **9th** day of **May, 2019** counsel for the Plaintiff caused to be served Plaintiff's Motion for Entry of Default by US Mail to the Defendants, as follows:

K.A.M. FOOD STORE, INC

d/b/a Met Foods,

739 Nostrand Ave.

Brooklyn, NY 11216

MAHMOUD HASSAN DOLAH

C/O K.A.M. Food Store, Inc.

739 Nostrand Ave.

Brooklyn, NY 11216

KHALID DOLAH

C/O K.A.M. Food Store, Inc.

739 Nostrand Ave. 7

Brooklyn, NY 11216

AMIN DOLAH

C/O K.A.M. Food Store, Inc.

739 Nostrand Ave.

Brooklyn, NY 11216

ANDERSONDODSON, P.C.



Penn A. Dodson (PD 2244)

penn@andersondodson.com

Attorney for Plaintiffs

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**DECLARATION of PENN DODSON, ESQ.
in support of
PLAINTIFF'S REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT**

PENN DODSON, an attorney admitted to practice law in this United States District Court, affirms the following to be true under the penalties of perjury:

- 1) I am a partner in the law firm of AndersonDodson, P.C., counsel of record for Plaintiff and as such, am familiar with the facts and circumstances of this action by virtue of a review of the file maintained in this office.
- 2) I submit this Affirmation in support of the request for the Clerk's Certificate of Default made by Plaintiff against Defendants K.A.M. Food Store, Inc., d/b/a Met Foods, Mahmoud Hassan Dolah, an individual, Khalid Dolah, an individual, and Amin Dolah, an individual, (collectively as "Defendants") based on these Defendants' failure to appear and/or Answer the Summons and Complaint.
- 3) The Plaintiff's application should be granted because:

- a) Defendants were served as follows:
 - i) K.A.M. Food Store, Inc., d/b/a Met Foods on March 29, 2019. [Dkt. 10].
 - ii) K.A.M. Food Store, Inc., d/b/a Met Foods on March 29, 2019. [Dkt. 11].
 - iii) Mahmoud Hassan Dolah on April 1, 2019. [Dkt. 13].
 - iv) Khalid Dolah on April 1, 2019. [Dkt. 14].
 - v) Amin Dolah on April 1, 2019. [Dkt. 12].
- b) Defendants' time to answer has expired;
- c) Defendants have defaulted in answering;
- 4) This is an action for damages related to unpaid and underpaid wages owed to Plaintiff;
- 5) This action was commenced with the filing of a Summons and Complaint as against Defendants on January 30th, 2019. [Dkt. 1].
- 6) On February 28th, 2019, the Summons and Complaint were served on Defendant K.A.M. Food Store, Inc., d/b/a Met Foods, by personal delivery upon "John Smith," a general agent of the corporation, at the address of the company where the Plaintiff performed his work. [Dkt. 10]
- 7) On March 29th, 2019 the Summons and Complaint were re-served on Defendant K.A.M. Food Store, Inc., d/b/a Met Foods, by service upon the Secretary of State of New York in Albany, New York, via delivery to Sue Zouky, legal clerk. [Dkt. 11].
- 8) On April 1st, 2019 the Summons and Complaint were served on Defendant Mahmoud Hassan Dolah by personal delivery upon Defendant's co-worker, who identified himself as "John Smith," at Defendant's place of business at 739 Nostrand Ave, Brooklyn, New York 11216. [Dkt. 13].
- 9) On April 1st, 2019 the Summons and Complaint were served on Defendant Khalid Dolah by personal delivery upon Defendant's co-worker, who identified himself as "John Smith," at

Defendant's place of business at 739 Nostrand Ave, Brooklyn, New York 11216. [Dkt. 14].

10) On April 1st, 2019 the Summons and Complaint were served on Defendant Amin Dolah by personal delivery upon Defendant's co-worker, who identified himself as "John Smith," at Defendant's place of business at 739 Nostrand Ave, Brooklyn, New York 11216. [Dkt. 12].

11) Prior to formal service, counsel for Plaintiff had extensive communications with counsel identifying themselves as representing Defendants and provided FRCP 4 waiver of service documents to counsel for Defendants.

12) The latest time for any Defendant to Answer or otherwise respond to the Complaint expired on April 22nd, 2019.

13) To date, Defendants have failed to respond to Plaintiff's Summons and Complaint, have not filed an Answer to the Complaint (or other responsive pleading), and have not moved for a protective order within the time prescribed by law.

14) Accordingly, the time for Defendants to enter responsive pleadings or otherwise move has passed, and they are in default. Intervention of the Court is required.

15) No party hereto is an infant or incompetent, nor is engaged in military service, or a member of the military.

WHEREFORE, it is respectfully requested that this Court grant Plaintiff's request to enter default against Defendants K.A.M. Food Store, Inc., d/b/a Met Foods, Mahmoud Hassan Dolah, an individual, Khalid Dolah, an individual, and Amin Dolah, for failure to respond to Plaintiff's Summons and Complaint by Service of an Answer or other responsive pleading, and to issue a Clerk's Certificate of Default.

Dated: May 9th, 2019.

ANDERSONDODSON, P.C.



Penn A. Dodson (PD 2244)
penn@andersondodson.com

Attorney for Plaintiffs

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New York, NY 10004
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CLERK'S CERTIFICATE OF DEFAULT

I, Douglas C. Palmer, Clerk of the United States District Court for the Eastern District of New York, do hereby certify that the docket entries in the above-captioned action indicate that Defendant **K.A.M. Food Store, Inc.**, d/b/a Met Foods as served with a copy of the Summons and Complaint on February 28, 2019 via service upon a a general agent of the company by an agent of United Process Service, and that Defendant **K.A.M. Food Store, Inc.**, d/b/a Met Foods was re-served with a copy of the Summons and Complaint on Macrh 29, 2019 via service upon the secretary of state. Defendants **Mahmoud Hassan Dolah**, an individual, **Khalid Dolah**, an individual, and **Amin Dolah**, an individual, were served with a copy of the Summons and Complaint on April 1, 2019 via service upon a co-worker at their usual place of work by an agent of United Process Service.

I further certify that the docket entries indicate that the Defendants have not filed an Answer or otherwise moved with respect to the Complaint herein.

The Default of Defendants **K.A.M. Food Store, Inc.**, d/b/a Met Foods, **Mahmoud Hassan**

Dolah, an individual, **Khalid Dolah**, an individual, and **Amin Dolah**, an individual, is hereby noted.

Dated: _____, 2019

/s/ Douglas C. Palmer, Clerk of Court

By: _____